

Kip D. Oswald  
December 22, 2021

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as an	)	
individual and as guardian ad	)	
litem, on behalf of S.M., a	)	Civil No.
minor,	)	6:20-cv-01163-MK
	)	
Plaintiffs,	)	VIDEOCONFERENCE
	)	DEPOSITION
v.	)	
	)	
MARK DANNELS, PAT DOWNING,	)	
SUSAN HORMANN, MARY KRINGS,	)	
KRIS KARCHER, SHELLY MCINNES,	)	
RAYMOND MCNEELY, KIP OSWALD,	)	
MICHAEL REAVES, JOHN RIDDLE,	)	
SEAN SANBORN, ERIC	)	
SCHWENNINGER, RICHARD WALTER,	)	
CHRIS WEBLEY, ANTHONY WETMORE,	)	
KATHY WILCOX, CRAIG ZANNI,	)	
DAVID ZAVALA, ESTATE OF DAVE	)	
HALL, VIDOCQ SOCIETY, CITY OF	)	
COQUILLE, CITY OF COOS BAY,	)	
COOS COUNTY, and OREGON STATE	)	
POLICE,	)	
	)	
Defendants.	)	
	)	

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DEPOSITION UPON ORAL EXAMINATION  
OF KIP D. OSWALD

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<p style="text-align: right;">Page 2</p> <p>1 BE IT REMEMBERED THAT, pursuant to the Oregon Rules of 2 Civil Procedure, the deposition of KIP D. OSWALD, an 3 adverse-party witness, was taken remotely via videoconference 4 on behalf of the Plaintiffs, before JEAN M. KOSTNER, a 5 Certified Court Reporter for Oregon, on Wednesday, the 22nd day 6 of December, 2021, at the hour of 9:00 a.m., in the State of 7 Oregon. 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 ALSO PRESENT: 2 Nick McGuffin 3 4 REPORTED BY: 5 Jean M. Kostner, CSR #90-0051 6 Subcontractor for: 7 US LEGAL SUPPORT 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES 2 3 ON BEHALF OF THE PLAINTIFFS: 4 Janis C. Puracal, OSB #132288 5 Andrew C. Lauersdorf, OSB #980739 6 Christine A. Webb, OSB #184744 7 MALONEY LAUERSDORF, REINER, PC 8 1111 East Burnside Street, Suite 300 9 Portland, Oregon 97214 10 (503) 245-1518 11 jcp@mlrlegalteam.com 12 acl@mlrlegalteam.com 13 caw@mlrlegalteam.com 14 ON BEHALF OF THE DEFENDANTS: 15 Sarah R. Henderson 16 LAW OFFICE OF ROBERT E. FRANZ, JR. 17 Post Office Box 62 18 Springfield, Oregon 97477 19 (541) 741-8220 20 shenderson@franzlaw.comcastbiz.net 21 (Representing City of Coquille, City of Coos Bay, 22 Coos County, Craig Zanni, Chris Webley, Eric 23 Schwenninger, Sean Sanborn, Ray McNeely, Kris 24 Karcher, Pat Downing, Mark Dannels, Kip Oswald, 25 Michael Reaves, David Zavala, Anthony Wetmore, Shelly D. McInnes)  Jesse B. Davis OREGON DEPARTMENT OF JUSTICE 100 Southwest Market Street Portland, Oregon 97201 (503) 947-4700 jesse.b.davis@doj.state.or.us (Representing Oregon State Police, John Riddle, Susan Hormann, Mary Krings, Kathy Wilcox) Karin L. Schaffer WOOD SMITH HENNING &amp; BERMAN LLP 12755 Southwest 69th Avenue, Suite 100 Portland, Oregon 97223 (971) 256-4023 kschaffer@wshblaw.com (Representing Vidocq Society and Richard Walter)</p>	<p style="text-align: right;">Page 5</p> <p>1 INDEX OF TESTIMONY 2 3 WITNESS PAGE 4 KIP D. OSWALD 5 Examination by Ms. Puracal . . . . . 7 6 Examination by Mr. Davis . . . . . 251 7 8 9 10 11 12 13 14 15 16 REQUESTS FOR INFORMATION 17 18 19 20 21 22 23 24 25 Information Requested by Ms. Puracal: PAGE LINE Picture taken of shoe in 2021 144 9</p>

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INDEX OF EXHIBITS			Page 6		Page 8
1				1	date?
2	DEPOSITION			2	Q. Yes, please.
3	EXHIBIT NO.	DESCRIPTION	IDENTIFIED	3	A. That's May 28th, 1953.
4				4	Q. And can you give me the current address. A work
5	Exhibit 1	Photo of Bent Arm Takedown	83	5	address is fine.
6	Exhibit 4	Google Earth - Lone Pine Lane 1	135	6	A. My current address is 1795 Pennsylvania Avenue,
7	Exhibit 5	Google Earth - Lone Pine Lane 2	136	7	Coos Bay, Oregon. I'm retired.
8	Exhibit 9	Google Earth - Marked	140	8	Q. Is that a home address rather than a work address?
9	Exhibit 11	North Bend Police Department Incident Report, No. 20011114, 07/05/00 (34 pages)	212	9	A. What was the -- a work address, did you say?
10				10	Q. I said is that a home address rather than a work
11	Exhibit 12	Coos County Sheriff's Office Incident Narrative, No. 20-10627, 07/05/00 (17 pages)	171	11	address?
12	Exhibit 13	Coos County Sheriff's Office Incident Report, Property Found, 07/05/00	172	12	A. Yes. I don't work. I'm retired.
13				13	COURT REPORTER: Could I interrupt?
14	Exhibit 14	Coos County Sheriff's Office Incident Report, Property Found, 07/07/00	177	14	MS. PURACAL: Yes.
15	Exhibit 15	Coos County Sheriff's Office Incident Narrative, No. so20012968, 08/21/00 (5 pages)	192	15	COURT REPORTER: Sorry. I did not hear the name of
16				16	the hospital.
17	Exhibit 16	Coos County Sheriff's Office Incident Narrative, No. so20013001, 08/22/00 (3 pages)	201	17	THE WITNESS: Oh, it's McAuley Hospital. It no
18				18	longer exists.
19	Exhibit 17	Photographs	203	19	BY MS. PURACAL:
20	Exhibit 18	Photographs	205	20	Q. And I understand, Mr. Oswald, that you are
21	Exhibit 19	Coos County Sheriff's Office Incident Narrative, No. 20-12118, 08/01/00 (5 pages)	220	21	currently retired. Who was your last employer?
22				22	A. North Bend Police Department.
23	Exhibit 22	Video Taken by Kip Oswald	233	23	Q. What was your title there?
24				24	A. I was patrol officer, police officer.
25				25	Q. What is your DPSST number?

KIP D. OSWALD,			Page 7		Page 9
1				1	A. I think it's 08674.
2	called as a witness on behalf of the Plaintiffs, having been			2	Q. And you understand that you're here today to be
3	first duly sworn to tell the truth, the whole truth, and			3	deposed. Do you understand that?
4	nothing but the truth, was examined and testified as follows:			4	A. I'm not sure exactly what "deposed" means, but ...
5	THE WITNESS: Yes, I do.			5	Q. So I'll back up a little bit. This is a deposition
6	EXAMINATION			6	in a lawsuit. Do you understand that?
7	BY MS. PURACAL:			7	A. I do.
8	Q. Good morning, Mr. Oswald. I'm Janis Puracal. I'm			8	Q. Okay. And you understand that we are recording
9	one of the attorneys representing the plaintiffs in this			9	this deposition through a court reporter, Ms. Kostner. Do you
10	matter, Mr. McGuffin and his daughter. Do you understand that			10	understand that?
11	this is a lawsuit that you are testifying in today?			11	A. Yes, ma'am.
12	A. Yes.			12	Q. And the deposition today is being conducted over a
13	Q. Can you give us your full name as given at birth?			13	remote Zoom platform. Do you understand that?
14	A. Kip Darwin Oswald.			14	A. Yes.
15	Q. Can you spell the middle name for me.			15	Q. Will you state the current -- your current location
16	A. D-A-R-W-I-N.			16	for the record?
17	Q. Have you ever changed your name?			17	A. My current location? I'm at Mill Casino, in Coos
18	A. No.			18	Bay.
19	Q. Have you ever used a nickname?			19	Q. I understand Ms. Henderson, your attorney, is in
20	A. A lot of people call me a lot of things, some			20	the room with you. Is there anyone else in the room with you
21	better than others. No. I've just used Kip.			21	today?
22	Q. Have you ever used an alias?			22	A. No.
23	A. No.			23	Q. Are there any electronic devices in the room with
24	Q. Can you give me your place and date of birth.			24	you other than the computer that you're using to talk to me?
25	A. Coos Bay, Oregon, at McAuley Hospital. And the			25	A. Just the one that I have and the one that she has,

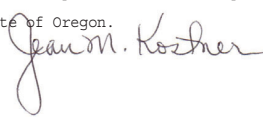
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<p style="text-align: right;">Page 62</p> <p>1 (Discussion off the record.)</p> <p>2 MS. PURACAL: We can go back on the record.</p> <p>3 BY MS. PURACAL:</p> <p>4 Q. Okay. So you mentioned the training from Pierce</p> <p>5 Brooks, that it included some information about what to collect</p> <p>6 and how to handle evidence. Do you remember any other</p> <p>7 trainings that covered the collection of evidence?</p> <p>8 A. I think it's through your whole career. I mean,</p> <p>9 you get it when you go through your training manuals, and of</p> <p>10 course, I went through three different sets of training</p> <p>11 manuals. And that case -- we probably even had a course on</p> <p>12 collecting evidence. I don't -- I can't remember.</p> <p>13 Q. When you say you probably had a course on</p> <p>14 collecting evidence, do you mean at the academy, or is that</p> <p>15 something different?</p> <p>16 A. No. Probably in-house.</p> <p>17 Q. Was that through Coos County?</p> <p>18 A. I'm just guessing, but I think that's probably a</p> <p>19 fair assessment that that probably occurred sometime.</p> <p>20 Q. Did you get specific training on how to preserve</p> <p>21 evidence?</p> <p>22 A. Yes.</p> <p>23 Q. Do you remember that training? I mean, do you have</p> <p>24 an independent recollection of attending that type of training?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 64</p> <p>1 A. You know, I -- I think I had a notebook with it in</p> <p>2 there.</p> <p>3 Q. A notebook. When you say "notebook," are you</p> <p>4 talking about, like, a three-ring binder?</p> <p>5 A. Yes.</p> <p>6 Q. Where would you take that? I mean, did you have an</p> <p>7 office at Coos County Sheriff's Office, or is that something</p> <p>8 you would just take home with you?</p> <p>9 A. When I -- when I was a patrol officer I -- or</p> <p>10 deputy, I carried it in my -- with my other stuff in my trunk.</p> <p>11 And then when I became a supervisor, I had it on my desk, I</p> <p>12 believe.</p> <p>13 Q. Is that something that every officer had?</p> <p>14 A. I think everybody gets a copy of it when they --</p> <p>15 when they go to work there, yes.</p> <p>16 Q. Do you know whether you have to give that back when</p> <p>17 you leave the office?</p> <p>18 A. I don't remember.</p> <p>19 Q. Do you remember whether there were any policies or</p> <p>20 procedures, whether it's in that manual or elsewhere, on</p> <p>21 report-writing?</p> <p>22 A. Oh, yes. Report-writing was covered, yes. It's in</p> <p>23 your --</p> <p>24 Q. Was that -- go ahead. Sorry.</p> <p>25 A. It's in your training manual.</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. Did you get specific training on how to document</p> <p>2 evidence at a crime scene?</p> <p>3 A. Yes.</p> <p>4 Q. Do you have an independent recollection of what</p> <p>5 that training was, where that was, and when it was?</p> <p>6 A. No.</p> <p>7 Q. Was there any kind of an ethics policy at Coos</p> <p>8 County when you were there?</p> <p>9 A. Yes.</p> <p>10 Q. Do you remember whether it was written?</p> <p>11 A. It was written like a model, and, um, it's -- there</p> <p>12 is a policy, yes. It's in the policies and procedures manual.</p> <p>13 Q. Is that a manual that you were given when you</p> <p>14 started at Coos County Sheriff's office?</p> <p>15 A. That's your training manuals, your policies and</p> <p>16 procedures manual.</p> <p>17 Q. So it's something physical that they handed to you.</p> <p>18 Is that right?</p> <p>19 A. I don't know if I got to -- got to keep that or</p> <p>20 not. I believe so.</p> <p>21 Q. If you got to keep that, do you -- do you have any</p> <p>22 memory about where you kept it?</p> <p>23 A. No.</p> <p>24 Q. Was that something that you would just have in an</p> <p>25 office?</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. Do you know if there were any policies and</p> <p>2 procedures on making statements to the press?</p> <p>3 A. I don't remember that.</p> <p>4 Q. Do you know whether there were any policies and</p> <p>5 procedures on Brady obligations?</p> <p>6 A. I never heard of Brady until recently. I don't</p> <p>7 even know what it was.</p> <p>8 Q. When did you recently hear of Brady?</p> <p>9 A. Within the last month or two.</p> <p>10 Q. What was the context in which you heard about</p> <p>11 Brady?</p> <p>12 A. My name was used on Facebook saying that I was a</p> <p>13 Brady person.</p> <p>14 Q. Can you tell me a little bit more about that?</p> <p>15 A. That's all it said. My name was on there. It</p> <p>16 was -- some woman wrote about people involved in this case</p> <p>17 saying that they were Brady for this and Brady for that, but</p> <p>18 they never explained why I was Brady, or if I -- if it was even</p> <p>19 the truth. I still don't know.</p> <p>20 Q. What was your understanding of Brady?</p> <p>21 A. I don't understand it at all. That's the first I</p> <p>22 had heard of it, and my understanding is that you do something</p> <p>23 wrong or something to get on this list. I -- that's all I</p> <p>24 know.</p> <p>25 Q. And I'm understanding that that's only been your</p>

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<p style="text-align: right;">Page 66</p> <p>1 understanding in the last month or so. Is that right?</p> <p>2 A. That's correct.</p> <p>3 Q. So before that you didn't have any understanding of</p> <p>4 Brady. Is that right?</p> <p>5 A. No.</p> <p>6 Q. I guess I want to make sure that we're clear for</p> <p>7 the transcript here. I asked before, about a month ago, you</p> <p>8 didn't have any understanding of Brady, and you responded "No."</p> <p>9 And so I just want to make sure it's clear. "No," you did not</p> <p>10 have any understanding of Brady, or "No," I'm wrong on that?</p> <p>11 A. No, I didn't have any understanding of Brady.</p> <p>12 Q. Did your policies and procedures at Coos County</p> <p>13 address your obligation to disclose evidence to the defendant</p> <p>14 in a case?</p> <p>15 A. Disclose it to a defendant? I don't know. I -- I</p> <p>16 would -- if I'm interviewing somebody or something, I would</p> <p>17 disclose sometimes what I had and stuff. I always felt that</p> <p>18 that was -- before a case, that his attorney or their attorney</p> <p>19 were welcome to that information.</p> <p>20 Q. Let me ask a better question. I'm trying to</p> <p>21 understand whether you had any policies or procedures on</p> <p>22 disclosing things like reports, notes, anything like that to a</p> <p>23 defendant who has been charged in a criminal case. Do you have</p> <p>24 any policy on that?</p> <p>25 A. I guess what I'm getting confused on here a little</p>	<p style="text-align: right;">Page 68</p> <p>1 were you working the night shift, or did it flip-flop?</p> <p>2 A. It was usually on a three-month rotation. You</p> <p>3 would work three months of nights and then three months of</p> <p>4 days.</p> <p>5 Q. Do you remember the time when shift would start and</p> <p>6 end?</p> <p>7 A. I don't. Wow.</p> <p>8 Q. Did you always work with the same other officers on</p> <p>9 shift?</p> <p>10 A. No. We would rotate -- rotate with the same ones</p> <p>11 sometimes but not always.</p> <p>12 Q. Who were you generally working with on shift in</p> <p>13 June of 2000 at Coos County Sheriff's Office?</p> <p>14 A. I don't remember.</p> <p>15 Q. Do you remember who your supervising officer was?</p> <p>16 A. I'm going to guess that it might have been Larry</p> <p>17 Leader.</p> <p>18 Q. If you were working night shift, would you have one</p> <p>19 supervising officer, and then when you rotated to day shift,</p> <p>20 would you have a different supervising officer, or did you</p> <p>21 always have the same supervising officer?</p> <p>22 A. Well, again, you might rotate with that supervisor,</p> <p>23 or you may not. And, of course, during the daytime you had</p> <p>24 other superiors there, like the sheriff, and you had detectives</p> <p>25 that oversaw some of the stuff, and more sergeants. If it was</p>
<p style="text-align: right;">Page 67</p> <p>1 bit is what -- at what time are you saying that it would be</p> <p>2 available to you? Are you saying while I'm investigating the</p> <p>3 case, right at the point of the time where I make -- I mean,</p> <p>4 there's times where you don't want to divulge information that</p> <p>5 you have because it ruins the case. And you may not ever get</p> <p>6 to the truth if you let that out. So I'm kind of -- are you</p> <p>7 talking about before they go to court?</p> <p>8 Q. That's a good clarification. So let's talk about</p> <p>9 the time once an individual has been charged with a crime or</p> <p>10 indicted for a crime and then that case is going to go to</p> <p>11 prosecution. Did you have any policies and procedures on</p> <p>12 disclosing reports and notes and evidence at that point in</p> <p>13 time?</p> <p>14 A. I don't remember if that's actually in there, but I</p> <p>15 believe they have the right to the information to defend</p> <p>16 themselves. I mean, we're not there to railroad people. We're</p> <p>17 there to get the facts.</p> <p>18 Q. And was that your understanding when you were at</p> <p>19 Coos County Sheriff's Office as well?</p> <p>20 A. Yes.</p> <p>21 Q. In June of 2000, did you have a regular shift that</p> <p>22 you were working at Coos County Sheriff's Office?</p> <p>23 A. I believe I was working the night shift at that</p> <p>24 time. I'm not positive. I think so.</p> <p>25 Q. Was that always the case day after day where you</p>	<p style="text-align: right;">Page 69</p> <p>1 not a sergeant, then detectives; and there was a captain there</p> <p>2 sometimes.</p> <p>3 Q. So in your role -- and, I apologize, you might have</p> <p>4 said this. In June of 2000 had you already become a sergeant,</p> <p>5 or were you still a corporal?</p> <p>6 A. I don't remember. I don't -- I don't think I was a</p> <p>7 sergeant yet. I'm not sure.</p> <p>8 Q. So you -- your direct supervising officer -- if you</p> <p>9 were a corporal, is your direct supervising officer the</p> <p>10 sergeant?</p> <p>11 A. Yeah. Even if I was a corporal, the director would</p> <p>12 be sergeant, yes. But there were a lot of times where the</p> <p>13 corporal would be in charge also because there wouldn't be a</p> <p>14 sergeant.</p> <p>15 Q. There wouldn't be a sergeant on a particular shift</p> <p>16 or just no sergeant at all?</p> <p>17 A. Wouldn't be a sergeant on that particular shift at</p> <p>18 that time.</p> <p>19 Q. In June of 2000, the individual who is now Sheriff</p> <p>20 Zanni was a sergeant. Do you remember that?</p> <p>21 A. Yes.</p> <p>22 Q. Was Sergeant Zanni at that time ever your</p> <p>23 supervising officer?</p> <p>24 A. No. I believe he was a sergeant of detectives.</p> <p>25 Q. So you did not report to Sergeant Zanni. Is that</p>

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<p align="center">DECLARATION UNDER PENALTY OF PERJURY</p>		<p>STATE OF OREGON                 )   ) ss. C E R T I F I C A T E  County of Douglas         )</p>	
I, KIP D. OSWALD, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on December 22, 2021; that I have made such corrections as appear noted on the Deposition Errata Page, attached hereto, signed by me; that my testimony as contained herein, as corrected, is true and correct.		I, JEAN M. KOSTNER, Certified Shorthand Reporter for the state of Oregon, do hereby certify that:  Pursuant to stipulation of counsel for the respective parties, hereinbefore set forth, KIP D. OSWALD, appeared remotely before me via zoom videoconference at the time and place set forth in the caption hereof;  That, at said time and place, I reported in stenotype all testimony adduced and oral proceedings had in the foregoing matter, to the best of my ability;  That, thereafter, my notes were reduced to typewriting, and that the foregoing transcript, pages 1 through 253, both inclusive, constitutes a full, true, and correct transcript of all such testimony adduced and oral proceedings had and of the whole thereof.  IN WITNESS WHEREOF, I have hereunto set my hand and CSR stamp this 14th day of January, 2022, in the City of Roseburg, County of Douglas, State of Oregon.	
Dated this _____ day of _____, 20_____, at _____,			
KIP D. OSWALD		JEAN M. KOSTNER Certified Court Reporter CSR No. 90-0051	
<p align="center">DEPOSITION ERRATA SHEET</p>			
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KIP D. OSWALD	Dated		